

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2030

REBECCA A. WAYNE, widow of Danny W. Maynor,

Petitioner,

v.

MAPLE MEADOW MINING COMPANY; DIRECTOR, OFFICE OF WORKERS'
COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(11-0645-BLA)

Submitted: December 13, 2012

Decided: December 18, 2012

Before MOTZ, WYNN, and FLOYD, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Rebecca A. Wayne, Petitioner Pro Se. Kathy Lynn Snyder, JACKSON
KELLY, PLLC, Morgantown, West Virginia; Jonathan Peter Rolfe,
UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for
Respondents.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rebecca A. Wayne seeks to petition this court for review of the decision and order of the Benefits Review Board ("Board") affirming the Administrative Law Judge's decision and order denying survivor's benefits under the Black Lung Benefits Act, 30 U.S.C. §§ 901-945 (2006). We dismiss the appeal for lack of jurisdiction.

The Board's decision becomes final sixty days after its issuance unless a claimant files a petition for review with this court or files a timely motion for reconsideration with the Board. 20 C.F.R. § 802.406 (2012). The sixty-day period for filing a petition for review from a Board order is jurisdictional. Adkins v. Dir., Office of Workers' Comp. Programs, 889 F.2d 1360, 1363 (4th Cir. 1989).

Here, the Board's order was entered on June 22, 2012, and Wayne was required to file her petition in this court no later than August 21, 2012. Wayne did not file her petition until August 22, 2012. Because Wayne failed to file a timely petition for review of the underlying Board decision and order, we dismiss the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

PETITION DISMISSED